

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Reginald Delaney, aka Reginald
Keith Delaney#272263,

Petitioner,

v.

Warden, FCI Edgefield,

Respondent.

C/A No. 4:20-cv-2791-JFA-TER

ORDER

Petitioner Reginald Delaney, proceeding *pro se*, filed his petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 on July 30, 2020. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), (D.S.C.), the case was referred to a Magistrate Judge for review. After Respondent filed a motion to dismiss, the Magistrate Judge advised Petitioner of the motion and consequences for not responding pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir.1975). (ECF No. 22). Petitioner failed to respond.

After receiving no response, the Magistrate Judge assigned to this action¹ prepared a thorough Report and Recommendation (“Report”) and opines that this action should be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(b). (ECF No. 26). The Report sets forth, in detail, the relevant facts and standards of law on this matter, and this Court incorporates those facts and standards without a recitation.

¹ The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.). The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b).

Petitioner was advised of his right to object to the Report, which was entered on the docket on January 19, 2021. (ECF No. 26). The Magistrate Judge required Petitioner to file objections by February 2, 2021. *Id.* Petitioner failed to file any objections and the time for doing so has expired. Thus, this matter is ripe for review.

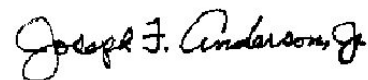
A district court is only required to conduct a *de novo* review of the specific portions of the Magistrate Judge's Report to which an objection is made. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b); *Carniewski v. W. Virginia Bd. of Prob. & Parole*, 974 F.2d 1330 (4th Cir. 1992). In the absence of specific objections to portions of the Magistrate's Report, this Court is not required to give an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

Here, Petitioner has failed to raise any objections and therefore this Court is not required to give an explanation for adopting the recommendation. A review of the Report indicates that the Magistrate Judge correctly concluded that matter should be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(b).

After carefully reviewing the applicable laws, the record in this case, as well as the Report, this Court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. Accordingly, the Court adopts the Report and Recommendation. (ECF No. 26). Thus, this matter is dismissed without prejudice.

IT IS SO ORDERED.

February 23, 2021
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge